

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HARRY BROADUS,)	CASE NO. 1:05 CV 543
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND RECOMMENDATION</u>
MARGARET BRADSHAW, Warden,)	
)	
)	
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge James S. Gallas. The Report and Recommendation (ECF #22) is hereby ADOPTED. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 on February 9, 2005 challenging the constitutionality of his conviction. The Petition alleged violations of due process because Mr. Broadus was allegedly convicted without sufficient evidence and because the trial was allegedly tainted by prosecutorial misconduct in the form of misstatements of the facts during closing arguments. The Petition also alleged that Mr. Broadus was denied effective assistance of counsel. (ECF #1). Magistrate Judge Gallas found that the petitioner's claims lacked merit and that the Petition, therefore, should be denied. The Petitioner sought and received an extension of time within which to file his objections to the to the Magistrate's

Report and Recommendation, and objections were timely filed within the time granted by the extension. (ECF #23, 24).

The Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objection has been made. *See* FED. R. CIV. P. 72(b). The Court finds Magistrate Judge Gallas' Report and Recommendation to be thorough, well-written, well-supported, and correct. The Court finds that Petitioner's objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate's Report and Recommendation.

The Magistrate's Report and Recommendation fully and correctly addresses all of the Petitioner's claims and the Petitioner's objections are unwarranted. This Court, therefore, adopts the Magistrate's Report in its entirety. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b). Petitioner's motion for habeas corpus is hereby DENIED. IT IS SO ORDERED.

S/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: January 31, 2008